

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1350-GMS
)	
DR. SYLVIA FOSTER, et al.,)	
)	
Defendants.)	Trial by Jury Demanded

ANSWER TO SECOND AMENDED COMPLAINT
BY DEFENDANTS BRIAN JOHNSON, DAVID MOFFETT, LANCE SAGERS
AND ROBERT GRAY

1. This paragraph¹ appears to raise allegations directed against only defendant Dr. Foster and does not require a response from these Defendants.
2. This paragraph appears to raise allegations directed against only defendant Dr. Foster and does not require a response from these Defendants. To the extent this paragraph may be interpreted to raise claims against the Answering Defendants, the paragraph is denied.
3. This paragraph appears to raise allegations directed against only defendant Dr. Foster and does not require a response from these Defendants.
4. This paragraph appears to raise allegations directed against only defendants Dr. Foster and Mr. Johnson and does not require a response from these Defendants.
5. Denied.

¹ Plaintiff has divided his Amended Complaint into eight numbered parts, each of which contain multiple unnumbered paragraphs. Defendants have not attempted to re-number the subparagraphs, but have responded to the eight numbered parts.

6. This paragraph appears to raise allegations directed against only defendant Dr. Foster and does not require a response from these Defendants.
7. This paragraph appears to raise allegations directed against only defendant Dr. Foster and does not require a response from these Defendants.
8. This paragraph appears to raise allegations directed against only defendant Dr. Foster and does not require a response from these Defendants.

Defenses

1. Plaintiff has failed to state a claim on which relief can be granted.
2. Plaintiff has failed to exhaust his administrative remedies under the Prison Litigation Reform Act, 42 U.S.C. § 1997e; and the Mental Health Patients Bill of Rights, 16 *Del. C.* § 5161(c).
3. Defendants are entitled to qualified immunity.

WHEREFORE, Defendants pray that this Court dismiss Plaintiff's complaint, enter that dismissal as a "strike" for purposes of the Prison Litigation Reform Act, find the complaint to be factually frivolous and malicious, and revoke Plaintiff's good time credits.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ _____
Gregory E. Smith, ID No. 3869
Deputy Attorney General
820 North French Street, 6th Floor
Carvel State Building
Wilmington, Delaware 19801
(302) 577-8398
Attorney for Defendants Johnson,
Moffett, Sagers, and Gray

Dated: May 31, 2006